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**Kiddy City, Inc., and Elizabeth Deblecourt, an Individual.** Case 13-CA-36827

September 2, 1999

**SUPPLEMENTAL DECISION AND ORDER**

BY MEMBERS FOX, HURTGEN, AND BRAME

On August 10, 1998, the National Labor Relations Board issued a Decision and Order,<sup>1</sup> *inter alia*, ordering Kiddy City, Inc., the Respondent, to make whole certain of its unit employees for loss of earnings and other benefits resulting from their unlawful discharges in violation of the National Labor Relations Act. On September 28, 1998, the U.S. Court of Appeals for the Seventh Circuit enforced the Board's Order.

A controversy having arisen over the amount of backpay due discriminatees, on June 28, 1999, the Regional Director for Region 13 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated July 22, 1999, and sent by certified mail, the Board agent advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed within 21 days, summary judgment would be sought. The Respondent filed no answer.

On August 5, 1999, the General Counsel filed with the Board a motion for summary judgment, with exhibits attached. On August 6, 1999, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on the Motion for Summary Judgment**

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in

support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the motion for summary judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's motion for summary judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of said amounts to the discriminatees, plus interest accrued on said amounts to the date of payment.

**ORDER**

The National Labor Relations Board orders that the Respondent, Kiddy City, Inc., Chicago, Illinois, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, minus tax withholdings required by Federal and state laws, plus interest to be computed in the manner set forth in *New Horizons for the Retarded*, 283 NLRB 1173 (1987):

Elizabeth Deblecourt	\$ 6,740.80
Janet LiVolsi	\$ 2,555.24
Kim Lusting	\$11,503.74
Michelle Shuminas-White	\$ 2,589.43
TOTAL:	\$23,389.21

Dated, Washington, D.C. September 2, 1999

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Sarah M. Fox,	Member
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Peter J. Hurtgen,	Member
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J. Robert Brame III,	Member
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(SEAL) NATIONAL LABOR RELATIONS BOARD

<sup>1</sup> 326 NLRB No. 7.